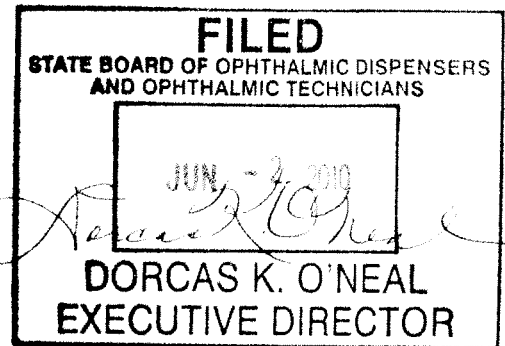


70621
ORIGINAL

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Ophthalmic
Dispensers and Ophthalmic Technicians



By: Susan C. Berger
Deputy Attorney General
Tel.: (973) 648-4876

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS

IN THE MATTER OF THE :
SUSPENSION OR REVOCATION OF
THE LICENSE OF

ALI ELHABBAK :
License No. 31TD00365200 :

ADMINISTRATIVE ACTION

TO ENGAGE IN THE PRACTICE OF :
OPHTHALMIC DISPENSING IN THE
STATE OF NEW JERSEY :

CONSENT ORDER

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon review of an inspection report from the Division of Consumer Affairs, Enforcement Bureau which alleged that respondent, Ali Elhabbak aided and abetted the unlicensed practice of ophthalmic dispensing at OPTICA, located at Garden State Plaza, West State Route 4, Suite 114, Paramus, New Jersey, that the premise did not have a colmoscope nor a sign stating "No Lab on Premises" and he

failed to wear an identification tag that included his license number and level of licensure.

Respondent appeared pro se before the Board on November 18, 2009 and testified that he currently works at OPTICA, located at 1200 Morris Turnpike, Suite D229, Short Hills and Garden State Plaza, West State Route 4, Suite 114, Paramus, New Jersey. Respondent began working at the OPTICA stores in November 2008. Respondent admitted that he was aware that unlicensed individuals gave eyewear to customers at both stores but asserted that he did not permit these individuals to dispense eyewear when he was present. Respondent testified that when the inspector visited OPTICA there was no sign at the establishment stating that there is "no laboratory on premises," but immediately after the inspection a sign was placed at both premises stating that information. Respondent admitted that on September 15, 2009 the Garden State Plaza OPTICA store did not have a colmoscope, did not have a sign stating "no laboratory on premises" and that his identification tag did not include his license number or his level of licensure. Respondent testified that he had not previously read the statutes and regulations.

Having reviewed the entire record, including the inspection report, patient records and respondent's testimony, the Board finds that respondent aided and abetted the unlicensed practice of ophthalmic dispensing, in violation of N.J.S.A. 45:1-21(n), that respondent practiced ophthalmic dispensing in a premise without

required equipment, in violation of N.J.A.C. 13:33-3.6(a)3, without a sign stating "no laboratory on premises," in violation of N.J.A.C. 13:33-3.6(b) and without an identification tag bearing his license number and level of licensure, in violation of N.J.A.C. 13:33-5.3.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings, and respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS 25th DAY OF May, 2010

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from permitting or supervising any unlicensed person to engage in ophthalmic dispensing in any premise where he is employed and/or is an owner, in violation of N.J.S.A. 45:1-21(n), shall cease and desist from engaging in ophthalmic dispensing without the required equipment, in violation of N.J.A.C. 13:33-3.6(a)3 and without an identification tag that includes his license number and level of licensure, in violation of N.J.A.C. 13:33-5.3.

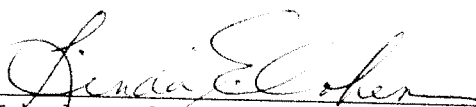
2. Respondent is reprimanded for permitting unlicensed individuals to engage in ophthalmic dispensing, in violation of N.J.S.A. 45:1-21(n).

3. Respondent shall pay a civil penalty in the amount of ten thousand dollars (\$10,000.00). Providing that respondent complies with all of the terms of the Consent Order, twenty five hundred dollars (\$2,500.00) of the civil penalty shall be stayed. Payment shall be made by certified check or money order, payable to the

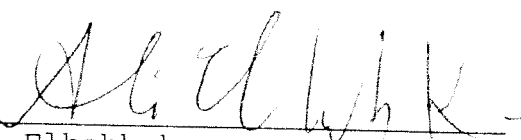
"State of New Jersey" and sent to Dorcas O'Neal, Executive Director of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, Newark, New Jersey 07101. The civil penalty shall be paid simultaneously with the signing of the within order.

4. Failure to remit payment as required by this Order will result in the filing of a Certificate of Debt and such other proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

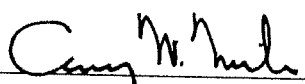
By: 
Linda Cohen, President

I have read and I understand
this Consent Order and agree to
be bound by its terms. I consent
to the entry of this Order.


Ali Elhabbak

5/12/10
Date

Consent as to form and entry of this Order:


Cary W. Miller, Esq.
Hooper, Lundy & Bookman, Inc.
Attorney for Ali Elhabbak